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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,044	05/01/2001	Athar Shah	60,130-1048/01MRA0236	4502
26096	7590	04/21/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			ART UNIT	PAPER NUMBER

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/846,044

Applicant(s)

SHAH, ATHAR

Examiner

Gregory J. Strimbu

Art Unit

3634

*WJ*

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 08 October 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

The applicant's appeal brief is defective because it fails to comply with 37 CFR 1.192(c)(8). For example, a single ground of rejection has been applied to claims 25 and 28, however, the applicant has failed to set forth whether or not claims 25 and 28 stand or fall together. Additionally, the grouping of the claims under the heading "A" is improper since claims 8, 9 and 10 have not been rejected in the final office action and because claim 5 was not rejected in view of either Osborn et al. and Yamaura et al. or Le Compagnon et al. and Colell. Moreover the applicant has failed to set forth whether claims 1, 3, 4, 21 and 25-28 rejected by Le Compagnon et al. in view of Colell stand or fall together. Finally, the patentability of claim 20 has not been separately argued in contradiction to the grouping of the claims. It should be noted that for each ground of rejection, the applicant must state whether the claims stand or fall together. See 37 CFR 1.192(c)(7) and (8)

**GREGORY J. STRIMBU  
PRIMARY EXAMINER**

*Gregory J. Strimbu*